

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case Number: 23-21063-CIV-MARTINEZ-BECERRA

MAGALIE JASMIN,

Plaintiff,

vs.

STATE OF FLORIDA, *et al.*,

Defendants.

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ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

THIS MATTER was referred to the Honorable Jacqueline Becerra, United States Magistrate Judge, for a Report and Recommendation ("R&R") on the following motions: (i) Defendant Robertson, Anschutz, Schneid, Crane & Partners, PLLC's ("RAS") Motion to Dismiss the Amended Complaint, (ECF No. 15), (ii) Defendant Nationstar Mortgage LLC d/b/a Mr. Cooper's ("Nationstar") Motion to Dismiss First Amended Complaint with Prejudice, (ECF No. 20), (iii) Defendants Christiana Trust, Premium Mortgage Acquisition Trust ("Premium Mortgage"), and Wilmington Savings Funds Society FSB's (collectively, "Wilmington Defendants") Motion to Dismiss Plaintiff's Amended Complaint, (ECF No. 21), (iv) Defendants Judge Alan Fine's and Judge Lisa Walsh's (together, the "Judicial Defendants") Motion to Dismiss, (ECF No. 24), (v) Kahane & Associates, P.A.'s ("Kahane") Motion to Dismiss the Amended Complaint, (ECF No. 23), and (vi) State of Florida's Motion to Dismiss Plaintiff's Amended Complaint, (ECF No. 18). Judge Becerra filed an R&R recommending that the Motions to Dismiss be granted. (ECF No. 32). The Court has reviewed the entire file and record, and notes that no objections have been filed.

Accordingly, after careful consideration, it is hereby **ORDERED AND ADJUDGED** that:

1. Judge Becerra's R&R, (ECF No. 32), is **AFFIRMED** and **ADOPTED**.
2. The Motions to Dismiss, (ECF Nos. 15, 18, 20, 21, 23, and 24) are **GRANTED** and:
 - a. All claims set forth in the Amended Complaint as against the Defendants Judge Alan Fine and Judge Lisa Walsh are **DISMISSED WITH PREJUDICE** based

upon Florida's litigation privilege and judicial immunity;

- b. Plaintiff's claims for wrongful foreclosure (Claim 5), obstruction of the administration of justice (Claim 8), negligent/reckless conduct (Claim 9), slander of title (Claim 10), slander of credit (Claim 11), and infliction of emotional distress (Claim 12), are **DISMISSED WITH PREJUDICE** based upon Florida's litigation privilege;
- c. Plaintiff's claims for violation of 42 U.S.C. § 1983 (Claim 1) and violation of Due Process (Claim 2) as against Defendants RAS, Kahane, Nationstar, Christiana Trust, Premium Mortgage Acquisition Trust, and Wilmington Savings Funds Society FSB are **DISMISSED WITH PREJUDICE**, and as against the State of Florida are **DISMISSED WITHOUT PREJUDICE**; and
- d. Plaintiff's claims for conspiracy to commit real estate deed fraud (Claim 3), forgery (Claim 4), breach of contract (Claim 6), and real estate deed fraud (Claim 7) as against Defendants RAS, Kahane, Nationstar, Christiana Trust, Premium Mortgage Acquisition Trust, Wilmington Savings Funds Society FSB, and the State of Florida are **DISMISSED WITHOUT PREJUDICE**.

3. The Clerk is **DIRECTED** to **CLOSE** this case.

DONE AND ORDERED in Chambers in Miami, Florida, this 16 day of February, 2024.

Copies provided to:
Magistrate Judge Becerra
All Counsel of Record



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE